

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 4, 1999
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Golding at 10:15 a.m. The regular meeting was recessed by Mayor Golding at 11:10 a.m. to convene the Special Joint Council meeting with the Redevelopment Agency and the Redevelopment Agency simultaneously. The regular meeting was reconvened by Mayor Golding at 11:13 a.m. with all Council Members present. Mayor Golding adjourned the regular meeting at 11:55 a.m.

ATTENDANCE DURING THE MEETING:

(M) Mayor Golding-present

(1) Council Member Mathis-present

(2) Council Member Wear-present

(3) Council Member Kehoe-present

(4) Council Member Stevens-present

(5) Council Member Warden-present

(6) Council Member Stallings-present

(7) Council Member McCarty-present

(8) Council Member Vargas-present

Clerk-Abdelnour (mc)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Golding-present
- (1) Council Member Mathis-present
- (2) Council Member Wear-present
- (3) Council Member Kehoe-present
- (4) Council Member Stevens-present
- (5) Council Member Warden-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Vargas-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Father Henry Rodriguez of the St. Jude's Shrine.

FILE LOCATION: MINUTES

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Vargas.

FILE LOCATION: MINUTES

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Comment by Mustafa Darwish regarding the card room issue heard by Council on March 29, 1999. He stated that the owner of the Lucky Lady gave him \$3,000 to not speak at the Council meeting. He thought that the item would be heard at the Tuesday Council meeting but found out later that it was heard on Monday. Mr. Darwish informed Council that he took the money so that he could show the Council that the owner paid him to not come to the meeting. He stated that on Tuesday he learned that the item had already passed.

Mayor Golding requested that someone from the City Attorney's office meet with Mr. Darwish immediately following his testimony.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A028-061.)

PUBLIC COMMENT-2:

Comment by Don Stillwell regarding the importance of integrity in all elected officials, with respect to thought, word, and action.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A062-082.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Comment by Council Member Mathis acknowledging and welcoming the fifth grade class from Canyon View Elementary School.

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for the Regular Meeting of Tuesday, May 4, 1999**

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FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A086-092.)

ITEM-310: Approval of Council Minutes.

TODAY'S ACTION IS: APPROVED

Approval of Council Minutes for the Meetings of:

3/30/99 held on 3/31/99

4/12/99

4/13/99

4/13/99 Special Joint

4/19/99

4/20/99

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A093-102.)

MOTION BY KEHOE TO APPROVE. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-311: Presentation of the City Manager's Proposed Fiscal Year 2000 Budget.

PRESENTED

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B156-C147.)

ITEM-312: Tourism Week.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1100) ADOPTED AS RESOLUTION R-291540

Proclaiming May 2 through 8, 1999 to be "Tourism Week" in San Diego in recognition of the importance of the visitor industry to San Diego's economy and quality of life.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A280-360; B039-043.)

MOTION BY STEVENS TO ADOPT ITEMS 312, 314, 315, 316, AND S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-313: Elder Abuse Awareness Month.

COUNCILMEMBER STALLINGS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1174) ADOPTED AS RESOLUTION R-291541

Proclaiming the month of May as "Elder Abuse Awareness Month" in the City of San Diego and County of San Diego and congratulating the efforts of the public and private sector participants who are committed to supporting elder abuse prevention and increasing awareness that elder abuse is a crime.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A103-185.)

COUNCIL ACTION: (Tape location: A186-279; B039-043.)

MOTION BY STEVENS TO ADOPT ITEMS 312, 314, 315, 316, AND S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-315: Frank Belock, Jr. Day.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1197) ADOPTED AS RESOLUTION R-291545

Proclaiming May 4, 1999 as "Frank Belock, Jr. Day" and honoring him as one of the 1999 Top Ten Public Works Leaders of the Year.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A361-456; B039-043.)

MOTION BY STEVENS TO ADOPT ITEMS 312, 314, 315, 316, AND S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-316: Alvarado Reservoirs and Garden.

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1196) ADOPTED AS RESOLUTION R-291546

Recognizing the "Alvarado Reservoirs and Garden" and the importance of reservoirs as an important component to the City's water distribution system and the Water Department's fine work on this project.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A457-554; B039-043.)

MOTION BY STEVENS TO ADOPT ITEMS 312, 314, 315, 316, AND S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-317: Digale A Una Amiga Day.

COUNCILMEMBER STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1205) CONTINUED TO TUESDAY, MAY 18, 1999

Commending the "Digale A Una Amiga" program for reaching a part of our community where late stage breast cancer diagnoses are prevalent;

Proclaiming May 4, 1999 to be "Digale A Una Amiga Day" in San Diego.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: A093-102.)

MOTION BY KEHOE TO CONTINUE THIS ITEM TO MAY 18, 1999, AT THE REQUEST OF COUNCIL MEMBER STEVENS FOR FURTHER REVIEW, AND TO APPROVE THE MINUTES. Second by Warden. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-330: Inviting Bids for the Construction of Water Replacement Group 527.

(La Jolla and Pacific Beach Community Areas. Districts-1 and 2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1143) ADOPTED AS RESOLUTION R-291547

Inviting bids for the Construction of Water Replacement Group 527 on Work Order No. 182171;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$2,326,936 from CIP-73-083.0, Annual allocations for Water Mains, Fund No. 41500;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the City Manager to do by City Forces to make connection and perform operational checks as required in connection with the Construction of Water Replacement Group 527, indicating that the work can be done more economically than if let by contract. The cost of the work shall not exceed \$266,588. (BID-K99213C)

CITY MANAGER SUPPORTING INFORMATION:

Water Replacement Group 527 is part of the City's ongoing cast iron water main Capital Improvement's Annual Allocation Replacement Program. The existing mains were installed as early as 1928 and are approaching the end of their useful service life. Replacement of these deteriorated and undersized mains will continue to provide the community with a safe and reliable water infrastructure. This project is within the La Jolla and Pacific Beach communities and involves the replacement of 9,442 feet of existing 6-inch, 10-inch and 12-inch cast iron water mains. The following streets will be affected by the construction operations: La Jolla Hermosa, Turquoise, La Jolla Mesa, Van Nuys, Archer, and Agate. Residents will be notified by mail at least one month prior to construction by the City and ten days prior to construction by the contractor.

WWF-99-367.

FILE LOCATION: W.O. 182171, CONT - Dietrich Corporation

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-331: Two actions related to Inviting Bids for the Construction of Water and Sewer Group 520.

(Greater North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1140) ADOPTED AS RESOLUTION R-291548

Inviting bids for the Construction of Water and Sewer Group 520 on Work Order Nos. 182631/172891;

Authorizing a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$2,920,540 from CIP-73-083.0, Fund No. 41500, and an amount not to exceed \$230,170 from CIP-44-001.0, Fund No. 41506, and authorizing the Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing to do by City Forces to make connections and perform operational checks as required in connection with the Construction of Water and Sewer Group 520. The cost of the work shall not exceed \$438,300 from Water Fund No. 41500 and not exceed \$5,000 from Sewer Fund No. 41506. (Bid-K99217C)

Subitem-B: (R-99-1141) ADOPTED AS RESOLUTION R-291549

Certifying that the information contained in Mitigated Negative Declaration LDR-98-0446, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the declaration reflects

the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by the Council in connection with the approval of Construction of Water and Sewer Group 520.

Declaring that the Council finds that project revisions now mitigate potentially signature effects on the environment previously identified in the Initial Study.

Adopting the Mitigation Monitoring and Reporting Program.

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Replacement Group 520 is part of the City's ongoing cast iron water and concrete sewer main replacement program. The water and sewer mains to be replaced in this project were constructed as early as 1914 and are approaching the end of their useful service life. Replacement of these deteriorated water and sewer mains will continue to provide the community with a safe and reliable water and sewer infrastructure. This project is in the Greater North Park community area and consists of replacing approximately 12,089 lineal feet of water mains and approximately 503 lineal feet of sewer mains.

The following streets will be affected by the construction operations: Ray Street from University Avenue to Upas Street, 32nd Street from Myrtle Avenue to Palm Street, 33rd Street from North Park Way to Upas Street, Dwight Street from Ray Street to 32nd Street, Myrtle Avenue from Ray Street to 31st Street and from Herman Avenue to 32nd Street, Thorn Street from Herman Avenue to approximately 483 feet east of Herman Avenue, Redwood Street from Herman Avenue to Bancroft Street, Dwight Street from 33rd Street to approximately 126 feet west of 33rd Street, Landis Street from 33rd Street to approximately 150 feet west of 33rd Street, Palm Street from 32nd Street to approximately 345 feet west of 32nd Street, and Olive Street from Nutmeg Place to 32nd Street, Bancroft Street from Myrtle Avenue to Upas Street. Traffic Control Plans will be provided by the Contractor as Shop Drawings. Residents will be notified by mail at least 1 (one) month prior to construction by the City's Water Department and again 10 (ten) days prior to construction by the Contractor.

WWF-99-371.

FILE LOCATION:

Subitems A-B: W.O. 182631/172891, CONT - Pacific Alliance Contractors

COUNCIL ACTION:

(Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-332: Inviting Bids for the Construction of Sewer and Water Group 620.

(Uptown Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1001) ADOPTED AS RESOLUTION R-291550

Inviting Bids for the Construction of Sewer and Water Group 620 on Work Order No. 172541;

Authorizing the execution of a contract with the lowest responsible bidder;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the expenditure of an amount not to exceed \$1,225,696 from CIP-73-083.0, Annual Allocation for Water Main Replacement, Fund No. 41500; and \$1,369,789 from CIP-44-001.0, Annual Allocation for Sewer Main Replacement, Fund No. 41506, for providing funds for said project and related costs;

Authorizing the City Manager to do by City Forces to cut and plug and make all live connections of the water main pipeline in connection with the Construction of Water and Sewer Group 620. The cost of the work shall not exceed \$149,247.
(BID-K99216C)

CITY MANAGER SUPPORTING INFORMATION:

Sewer and Water Main Replacement Group 620 is part of the City's ongoing concrete sewer main replacement and cast iron water main replacement program. This action involves the replacement of 7,444 linear feet of existing 6-inch concrete sewer mains and 6,111 linear feet of existing 4-inch, 6-inch and 12-inch cast iron water mains. The sewer and water mains to be replaced in the

project were constructed as early as the 1920's and have reached the end of their useful service life. Replacement of these 79-year-old deteriorated and undersized sewer and water mains will continued to provide the community with a safe and reliable sewer and water infrastructure well into the future.

This project is located in the Uptown area and is bounded by Sunset Boulevard to the north; Titus Street to the south; Witherby Street to the west; and Mission Hills Boulevard to the east.

WWF-99-363.

FILE LOCATION: W.O. 172541, CONT - Pacific Alliance Contractors

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-333: Two actions related to the Inviting Bids for the Encanto Standpipe Demolition.

(Encanto Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1144 Cor.Copy) ADOPTED AS RESOLUTION R-291551

Inviting bids for the Encanto Standpipe Demolition on Work Order No. 182691;

Authorizing a contract with the lowest responsible bidder, provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller to transfer \$100,000 from water Fund 41500, CIP-73-249.0, South San Diego Pipeline No. 2 to CIP-73-277.0, Annual Allocation - Standpipe and Reservoir;

Authorizing the expenditure of an amount not to exceed \$466,331 from Water Fund 41500, CIP-73-277.0, AA Standpipe and Reservoir;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K99220C)

Subitem-B: (R-99-1145)

ADOPTED AS RESOLUTION R-291552

Certifying that the information contained in Environmental Negative Declaration LDR-96-0658, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, that the report reflects the independent judgement of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council.

CITY MANAGER SUPPORTING INFORMATION:

Built in 1947, the Encanto Standpipe is located at 6772 Aviation Drive and is the oldest and smallest steel tank reservoir in the City of San Diego. This project will demolish the Encanto Standpipe. The scope of the project includes lead abatement, dismantling, and disposal of the standpipe steel tank approximately 70 feet in height and 43 feet in diameter. The inlet/outlet and drainage pipes will be abandon in place and slurry filled. In addition, the site and access road will be re-paved and is used by three cellular communication poles and associated buildings onsite. The Standpipe no longer functions as intended due to surplus pressure from improvements in the 610 HGL (Hydraulic Grade Line) zone. The standpipe remains full 24 hours a day, thus, accruing unnecessary maintenance cost to keep the 750,000 gallons of stored water potable. Without fluctuation of the water level, the stored water must be chemically treated on a regular basis. The standpipe does not meet current UBC seismic codes. The VE (value engineering) study conducted December 1997 determined that the cost to seismically retrofit this standpipe outweighed its benefits within this water system. Standpipes are upright cylindrical water storage reservoirs tanks, taller in height than in its diameter, and constructed of steel.

Aud. Cert. 9900988.

FILE LOCATION:

Subitems A-B: W.O. 182691, CONT - Clauss
Construction

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-334: Inviting Bids for the Construction of Water and Sewer Group 514.

(North Park Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1142) ADOPTED AS RESOLUTION R-291553

Inviting bids for the Construction of Water and Sewer Group 514 on Work Order Nos. 172181/181761;

Authorizing the City Manager to establish contract funding phases with the lowest responsible and reliable bidder, based on actual low bid submitted, and to execute a contract with the lowest responsible bidder provided that the City Auditor first furnishes a certificate demonstrating that the funds necessary for expenditure are, or will be, on deposit with the City Treasury;

Authorizing the expenditure of an amount not to exceed \$2,543,189 from CIP-73-083.0, Fund No. 41500, and \$396,310 from CIP-44-001.0, Fund No. 41506 for providing funds for the project and related costs;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves;

Authorizing the use of City Forces to cut and plug, install valves, appurtenances, make connections and perform operational checks for a cost not to exceed \$235,301. (BID-K99218C)

CITY MANAGER SUPPORTING INFORMATION:

Water and Sewer Main Replacement Group 514 is part of the City's on-going cast iron water main and concrete sewer main replacement program. This action involves the replacement of 9,723 linear feet of 2-inch, 4-inch, 6-inch, 8-inch, 10-inch, 12-inch, and 16-inch cast iron water mains and the replacement of 1,368 linear feet of 6-inch concrete sewer mains. The water and sewer mains to be replaced in the project were constructed as early as 1913, and have reached the end of their useful service life. Replacement of these deteriorated water and sewer mains will provide the community with a safe, reliable water and sewer infrastructure well into the next century.

The project is located in the North Park area. It is bounded by Upas Street to the north, Juniper Street to the south, 28th Street to the west, and Boundary Street to the east.

WWF-99-372.

FILE LOCATION: W.O. 172181/181761, CONT - Southern California
Underground

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-335: Brine Management System Agreement with Earth Tech - Amendment No. 3.

(Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1177) ADOPTED AS RESOLUTION R-291554

Authorizing the execution of a third amendment to the agreement of November 6, 1995, with Earth Tech, Inc., for engineering design services in connection with the Metropolitan Wastewater Department's brine management system;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$450,000 within Fund 41506, from CIP-46-190.0, Brine Management System (Gravity Line) to CIP-46-191.0, Brine Management - Force Main and Pump Station;

Authorizing the expenditure of an amount not to exceed \$2,280,225 from Fund 41506, CIP-46-191.0, Brine Management - Force Main and Pump Station, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

On November 6, 1995, the City Council approved the agreement between the City and Earth Tech, Inc. to provide design services for the Brine Management System (RR-286540) to convey brine from Rancho Bernardo Industry to Pump Station 77. On June 30, 1997, the City Council approved Amendment No. 1 (RR-288873) for additional design services. On August 14, 1998, the City Manager approved a No Cost Amendment between the City and Earth Tech, Inc., Amendment No. 2 (C-08845) to re-allocate funds between design tasks. After further evaluation of the alternatives through San Pasqual master planning studies, it is recommended to design a dedicated brine line through Artesian Road that conveys the brine flows directly to the Escondido Land Outfall.

This amendment provides for engineering services associated with design of the pipeline and pump station. At the present time, the brine produced by the industries in Rancho Bernardo as well as San Pasqual Water Reclamation Plant is combined with the domestic wastewater and is conveyed to Escondido's Hale Avenue Resource Recovery Facility (HARRF). The proposed Brine Management System will convey brine flows from San Pasqual Water Reclamation Plant and industrial areas of Rancho Bernardo to the Escondido Land Outfall, therefore providing relief capacity to the existing sewer system. The project consists of a combination force main/gravity pipeline approximately 60,000 feet in length and a pump station. The pipeline is comprised of three main segments, the first of which is a gravity collection system approximately 13,000 feet in length which will serve the Rancho Bernardo Industrial Community. The second segment consists of a force main approximately 12,000 feet in length, commencing at SPS 77 and ending at the intersection of Rancho Bernardo and Via del Campo. The third segment consists of approximately 40,000 feet of pipeline from the Rancho Bernardo Road industrial community to the Escondido Land Outfall. The pump station will be located along the pipeline alignment.

Implementation of this project under the current schedule is critical in providing adequate sewer capacity for industries such as Sony in Rancho Bernardo. Failure to provide additional capacity by the year 2004 will potentially result in sewage spillage within the existing system.

Aud. Cert. 9901104.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-336: Attachment License Agreement with Metricom, Inc.

(See City Manager Report CMR-99-84.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1163) ADOPTED AS RESOLUTION R-291555

Authorizing the City Manager to execute an Attachment License Agreement with Metricom, Inc., for the attachment of wireless radio receivers on City-owned light poles.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-337: Lease Agreement - Black Police Officers Association.

(Lincoln Park Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1129) ADOPTED AS RESOLUTION R-291556

Authorizing the City Manager to execute a five-year lease agreement with the Black Police Officers Association, for the occupancy of the City-owned 12,000 square-foot Valencia Park Library located at 101 50th Street, at an initial rent of \$1 for the entire term (the fair market rent is determined by City staff to be \$3,150 per month).

CITY MANAGER SUPPORTING INFORMATION:

The Black Police Officers Association (BPOA) has requested a five-year lease agreement for the occupancy of the City-owned old Valencia Park Library located at 101 50th Street. The proposed rent is \$1 for the term of the agreement. The fair market rent determined by the City staff is \$3,150 per month. BPOA has utilized the property under a right of entry permit since September 1996 for a multi-purpose community center and display memorabilia and history of minority law enforcement officers. The Library Department recommends approval of the proposed lease agreement. On February 10, 1999, the Public Safety and Neighborhood Services Committee authorized the City Manager to exclusively negotiate with the BPOA.

The basic terms and conditions of the proposed lease agreement are as follows:

USE - Collect and exhibit memorabilia and history of minority law enforcement officers in San Diego County. Establish varied community involvement programs. Educate and prepare potential law enforcement officers for the entry level test taking skills.

PREMISES - 12,000 square feet.

TERM - Five years, subject to termination by either party with 180 days notice.

RENT - One dollar (\$1) for the entire term. As additional consideration, Lessee has also agreed to use the premises to provide the community with the following services: 1) Community liaison with San Diego Police Department; 2) San Diego Police Department Office's report room;

3) Crime prevention information and training facility; 4) Youth mentoring for Boy Scouts and Girl Scouts; 5) Monthly cultural events; and 6) Conducting job fairs. BPOA will assume full responsibility and cost for the maintenance, utilities and insurance of the leased property.

FILE LOCATION: LEAS - Black Police Officers Association

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-338: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-99-981) ADOPTED AS RESOLUTION R-291557

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-339: Four actions related to Authorizing Suggestion Awards to City Employees.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1156) ADOPTED AS RESOLUTION R-291558

Paul Alesi - Water Department - \$4,660.87.

Subitem-B: (R-99-1157) ADOPTED AS RESOLUTION R-291559

Ernesto P. Molas - Metropolitan Wastewater Department - \$1,216.80.

Subitem-C: (R-99-1158) ADOPTED AS RESOLUTION R-291560

Jerald E. Mills/Jeffrey Johnson/Stephanie Dreben/Brett Toovey - Police
Department - \$2,520 award divided equally (\$630 each).

Subitem-D: (R-99-1159) ADOPTED AS RESOLUTION R-291561

Lane Woolery - Fire and Life Safety Service - \$100.

FILE LOCATION: Subitems A-D: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the
following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea,
Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-340: Authorizing a Suggestion Award to Captain John G. Thomson.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-967) ADOPTED AS RESOLUTION R-291562

Authorizing a Suggestion Award to Captain John G. Thompson - Fire Department
- \$5,000.

CITY MANAGER SUPPORTING INFORMATION:

In November 1993, California voters approved Proposition 172, a half (1/2) cent sales tax extension to fund county and city safety budgets. Senate Bill 509 mandated the distribution as 95 percent to the county and the remaining 5 percent to be split among the cities. Mr. John Thomson, a Fire Captain from the City of San Diego, realized that the City would only receive a cap amount of \$3,621,223 annually. Any additional money from the sale tax will go to the county's funds. In his own initiative, Mr. Thomson negotiated with the County of San Diego Board of Supervisors, other city representatives, local and state officials, and State Legislature. He pursued the language change in the allocation of funds in which Senator Steve Peace authored in Senate Bill 8 (SB 8). With the passage of SB 8, the City of San Diego received an additional amount of \$857,000 in Fiscal Year 1998. This amount will increase in successive budget years. The additional funding was used for additional staffing and to purchase equipment for Fire and Lifeguard.

Aud. Cert. 9900971.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-341: Angle Parking on G Street.

(Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1136) ADOPTED AS RESOLUTION R-291563

Establishing angle parking on the south side of G Street between 22nd Street and 25th Street;

Authorizing the installation of the necessary signs and marking; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the south side of G Street between 22nd Street and 25th Street. Currently, there is parallel parking in this segment. This action will provide 16 additional parking spaces. Council approval is required, according to San Diego Municipal Code, Section 86.06. A petition representing 14 of the 17 affected property owners (76 percent) was submitted in support of this action. The Southeast San Diego Development Committee was notified of this project.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-342: Transfer of Funds - North Chollas Community Park.

(Southeastern Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1116) ADOPTED AS RESOLUTION R-291564

Authorizing the City Auditor and Comptroller to transfer and expend an amount not to exceed \$106,000 from the Southeastern San Diego Development Impact Fee Fund, Fund No. 79511, to CIP-29-667.0, Chollas Community Park Master Plan and Development, for the North Chollas Community Park.

CITY MANAGER SUPPORTING INFORMATION:

North Chollas Community Park is located on College Grove Drive, east of 54th Street, in San Diego. The Phase 1A project scope entails the design and construction of one ballfield, an access road of decomposed granite, a parking lot of decomposed granite, an entry monument sign, and vehicular access gates. The requested funding will allow for the hiring of a consultant to prepare the construction documents for the park improvements, and implementation of Phase 1A improvements. Additional funding for Phase 1A implementation will be transferred into the project as it becomes identified.

Aud. Cert. 9901052.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-343: South Bay Reclamation Sewer and Pump Station - Package A.

(See City Manager Report CMR-99-88. Otay Mesa/Nestor Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-531) ADOPTED AS RESOLUTION R-291565

FINDINGS MUST BE MADE AS PART OF COUNCIL ADOPTION.

Determining and declaring that the public interest, convenience and necessity of the City of San Diego require the acquisition of property for temporary construction staging area for the construction, operation, and maintenance of a sewer pipeline and pump station, and for improvement of portions of Nestor Creek, as part of the South Bay Reclamation Sewer and Pump Station Project; that the property is located on the Southwest side of Interstate 5, bordered by Coronado Avenue to the north and Grove Avenue to the south, in the Otay Mesa/Nestor and Tijuana River Valley Area, within the City of San Diego; that the interest to be acquired is a temporary construction area; that the South Bay Reclamation Sewer and Pump Station Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury; that the property sought to be acquire is necessary for the project; that acquisition by eminent domain is authorized by law; declaring that the offer to purchase the property required by Government Code Section 7267.2 has been made to the owners of record and rejected; declaring the intent of the City of San Diego to acquire the property under eminent domain proceedings; directing the City Attorney to commence an eminent domain action in the Superior Court of the State of California, to condemn, acquire and obtain immediate possession of the real property interest for the use of the City.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-344: FY 2000 California Arts Council State/Local Partnership Program Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1079) ADOPTED AS RESOLUTION R-291566

Authorizing the City Manager to apply to the California Arts Council State/Local Partnership Program for a grant in the amount of \$40,000 for the Fiscal Year 1999-2000 Arts and Culture Program, to support programs and services of the City of San Diego Commission for Arts and Culture;

Authorizing the City Manager or designee to administer any grant funds received from the California Arts Council State/Local Partnership Program for Fiscal Year 1999-2000 for programs, services, and administrative support of the Commission for Arts and Culture.

CITY MANAGER SUPPORTING INFORMATION:

In 1980, the State Legislation established and funded the State/Local Partnership Program (S/LPP) under the California Arts Council (CAC) to encourage local cultural planning and decision-making and to reach previously under served constituencies. The San Diego City Council (City Council), by Resolution No. R-252650, adopted on September 9, 1980, determined to act as a S/LPP partner separate from the County of San Diego and designated the Combined Arts and Educational Council (COMBO) to perform under the S/LPP on its behalf from 1980-1983. In 1984, the City Council changed this designation and identified itself as the local partner. A grant application will be submitted to the California Arts Council State/Local Partnership Program (CAC/SLPP) in the amount of \$40,000 for the Fiscal Year 1999-2000 to support the administration programs and services of the City of San Diego Commission for Arts and Culture.

Aud. Cert. 9900983.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-345: Request to Amend the City's Non-Disposal Facility Element (NDFE).

(Barrio Logan Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1193) ADOPTED AS RESOLUTION R-291567

Approving the amendment to the Non-Disposal Facility Element (NDFE) to modify the description of the San Diego Resource Recovery Transfer Station on Dalbergia Street pursuant to California Public Resources Code Section 41730 et seq.

CITY MANAGER SUPPORTING INFORMATION:

California Public Resources Code (PRC), Section 41730 et seq, requires every California city and county to prepare and adopt a Non-Disposal Facility Element (NDFE) for all new non-disposal facilities, and any expansions of existing non-disposal facilities, which will be needed to implement local Source Reduction and Recycling Elements (SRREs). As stated in PRC Section 41735 (a), the adoption or amendment of this element is not subject to environmental review under the California Environmental Quality Act (CEQA). A non-disposal facility is defined as any solid waste facility required to obtain a state solid waste facility permit that will recover for reuse or recycling at least five percent of the total volume of material received by the facility (PRC Sections 40151 and 41733).

This amendment to the NDFE identifies the San Diego Resource Recovery Transfer Station on Dalbergia Street as the facility to be included in the NDFE. The transfer station will process and recover selected loads from the refuse stream, with the residue and non-processed material loaded into transfer trailers and taken to a permitted landfill for final disposal. At it's October 27, 1995

meeting, SANDAG, serving as the San Diego County Integrated Waste Management Local Task Force, found the San Diego Resource Recovery Transfer Station on Dalbergia Street in the City of San Diego consistent with AB 939 goals.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-346: Seismic Retrofit of the Voltaire Street Bridge over Nimitz Boulevard and Seismic Retrofit Design of Category 1 Bridges.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1118) ADOPTED AS RESOLUTION R-291568

Accepting the Program Supplement No. 11-5004 (004-M1) to Local Agency-State Agreement for Federal Aid Project No. 11-5004 (078) in the amount of \$119,000 (\$105,350.00 in Highway Bridge Replacement/Rehabilitation Fund Number 38719 and \$13,650.00 in State Grant Fund No. 38859) for the Seismic Retrofit of Voltaire Street Bridge Over Nimitz Boulevard;

Authorizing the appropriation and expenditure of an amount not to exceed \$119,000 in CIP-53-037.0, Annual Allocation - Earthquake Restrainers for Bridges for construction of Seismic Retrofit of Voltaire Street Bridge Over Nimitz Boulevard for providing funds for the said project;

Accepting the modification (PR-2A) to the Program Supplement No. 11-5004 (104) to Local Agency-State Agreement for Federal Aid Project No. 11-5004 (040) in the amount of \$454,259 for Seismic Retrofit Design of Category 1 Bridges;

Authorizing the appropriation and expenditure of \$454,259, Program Supplement No. 11-5004 (104) to Local Agency-State Agreement for Federal Aid Project No. 11-5004 (040) in CIP-53-037.0, Annual Allocation - Earthquake Restrainers for Bridges, for construction for Seismic Retrofit Design of Category 1 Bridges for providing funds for the said project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funding necessary for such expenditure is, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Voltaire Street Bridge over Nimitz Boulevard has been identified as a seismically deficient bridge by CalTrans. This project will provide for abutment shear keys and catcher blocks so that the bridge will meet current seismic standards. The total project cost is 88.53 percent Federally funded and 11.47 percent State funded.

Aud. Cert. 9901053.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-347: Seismic Retrofit of the Old Pacific Highway Bridge over Cudahy Channel.

(Linda Vista Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1119) ADOPTED AS RESOLUTION R-291569

Accepting the Program Supplement No. 11-5004 (003-M1) to Local Agency-State Agreement for Federal Aid Project No. 11-5004 (077) for the amount of \$534,000 for Seismic Retrofit of Old Pacific Highway Bridge over Cudahy Channel;

Authorizing the appropriation of \$534,000 in CIP-53-037.0, Annual Allocation - Earthquake Restrainers for Bridges, for construction of Seismic Retrofit of Old Pacific Highway Bridge over Cudahy Channel;

Authorizing the expenditure of an amount not to exceed \$633,076 from CIP-53-037.0 for the Seismic Retrofit of Old Pacific Highway Bridge over Cudahy Channel for providing funds for the above project, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary are, or will be, on deposit in the City Treasury.

CITY MANAGER SUPPORTING INFORMATION:

The Old Pacific Highway Bridge over Cudahy Channel has been identified as a seismically deficient bridge by CalTrans. This project will provide for Abutment Bolsters and Shear Keys, and also Bents Steel Casings so that the bridge will meet current seismic standards. The total project cost is 88.53 percent Federally Funded and 11.47 percent State Funded.

Aud. Cert. 9901047.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-348: Four actions related to Approval of Governmental Resolutions to Host Super Bowl XXXVII in 2003.

(See City Manager Report CMR-99-85.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1184)

ADOPTED AS RESOLUTION R-291570

Declaring that the City welcomes Super Bowl XXXVII and related Official Events to its jurisdiction and to that end declares its full support of the efforts of the San Diego Super Bowl Host Committee to have the City selected as the site for Super Bowl XXXVII;

Declaring that upon designation of the City as a site for Super Bowl XXXVII, and at all times, the City and its agencies, departments, and personnel, agree to provide all governmental services (including without limitation public safety, security, fire and medical emergency, traffic, decorative display and public works/street maintenance services and supplies) reasonably necessary to the success of Super Bowl XXXVII and related Official Events within its jurisdiction (whether, recognizing the uniqueness and extraordinary scope of the Super Bowl, such services are below, equal to, or beyond the normal level and range of governmental services usually provided for events held within the jurisdiction), including all planning, training or deployment activities related to the provision of the services, all at no cost, expense or liability to the NFL or the two participating Teams;

Declaring that the City agrees that neither the National Football League (NFL), the Teams, nor any director, shareholder, officer, agent, employee, or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the governmental services planned and/or provided relating to Super Bowl XXXVII and related Official Events, except as otherwise provided in the City's official bid for Super Bowl XXXVII;

Declaring that the City agrees that it shall not authorize any sponsorship of the City during the two weeks prior and through the week following of Super Bowl XXXVII and related Official Events.

Subitem-B: (R-99-1185)

ADOPTED AS RESOLUTION R-291571

As requested by the NFL, and as part of the formal bid of the City to be designated as the site for Super Bowl XXXVII and related Official Events, the City declares as follows:

1. Upon designation of the City as the site for Super Bowl XXXVII and related Official Events, and at all times thereafter, the City shall provide all law enforcement and public safety services (including without limitation proper vehicular and pedestrian traffic control, security, police escorts from time to time as requested by the NFL, and the two participating Teams, other police services and supplies for the protection of people and property) reasonably necessary for the success of the Super Bowl and related Official Events within its jurisdiction (whether, recognizing the uniqueness and extraordinary scope of the Super Bowl, such services are below, equal to, or beyond the normal level and range of public safety services usually provided for events held within the City), including all planning, training or deployment activities related to the provision of such services, all at not cost, expense or liability to the NFL or the Teams, except as otherwise provided in the City's formal bid for Super Bowl XXXVII;
2. Except as otherwise provided in the City's formal bid for Super Bowl XXXVII, the City agrees that neither the NFL, nor the Teams, nor any director, shareholder, officer, agent employee or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the law enforcement and public safety services planned and/or provided relating to Super Bowl and related Official Events.

Subitem-C: (R-99-1186)

ADOPTED AS RESOLUTION R-291572

As requested by the NFL, and as part of the formal bid of the City to be designated as the site for Super Bowl XXXVII, the City declares as follows:

1. Upon designation of the City as the site for Super Bowl XXXVII, and at all times thereafter, the City agrees that Super Bowl XXXVII and related Official Events shall not be liable for any taxes, assessments or fees imposed by the City on gross receipts from admission tickets to sporting, cultural or entertainment events. Except as otherwise provided in the City's formal bid for Super Bowl XXXVII, in the event the City, State or the County imposes any taxes, assessments or fees on gross receipts from admission tickets to sporting, cultural or entertainment events, the City agrees that it shall pay all such taxes, assessments and fees on behalf of the NFL and the two participating teams.

2. Except as otherwise provided in the City's formal bid for Super Bowl XXXVII pursuant to Section 1, the City agrees that neither the NFL nor the Teams, nor any director, officer, shareholder, agent employee or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever, in connection with any tax assessments on admission tickets to the Super Bowl or related Official Events.
3. The City agrees, except as otherwise provided in the City's formal bid, to pay on behalf of the NFL or any of its affiliated (NFL Enterprises, NFL Properties, Inc. or NFL Films, Inc.) any and all taxes ordinarily imposed by the City on the conduct of the NFL's "Super Bowl activities." "Super Bowl activities" is defined to mean any and all activities, including preparatory site visits in advance of the event; NFL sponsored events during the Super Bowl and activities following the event, carried out by the NFL, its personnel and other authorized NFL agents solely for the purpose of holding the Super Bowl.

Declaring that the City further warrants and agrees to assist the NFL in its efforts to obtain exemptions from all payroll (unemployment and withholding), income and use taxes imposed by the State and the County.

Subitem-D: (R-99-1187)

ADOPTED AS RESOLUTION R-291573

As requested by the NFL, and as part of the formal bid of the City to be designated as the site for the Super Bowl XXXVII, the City declares as follows:

1. Upon designation of the City as the site for Super Bowl XXXVII, and at all times thereafter, the City shall provide all fire and medical emergency services (including without limitation property fire safety enforcement, emergency dispatch and paramedic services and supplies for the protection of people and property) reasonably necessary for the success of Super Bowl XXXVII and related Official Events within its jurisdiction (whether, recognizing the uniqueness and extraordinary scope of the Super Bowl, such services are below, equal to or beyond the normal level and range of public safety services usually provided for events held within the City), including all planning, training or deployment activities related to the provision of such services, all at no cost, expense or liability to the NFL or the two participating Teams except as otherwise provided in the City's formal bid for Super Bowl XXXVII.

2. Upon designation as the site for the Super Bowl XXXVII, and at all times thereafter, the Fire Marshall shall acknowledge the unique and temporary status of construction related to the Super Bowl and its Official Events and shall issue appropriate waivers for temporary structures to be constructed at Qualcomm Stadium for the Super Bowl.
3. Except as otherwise provided in the City's formal bid, the City agrees that neither the NFL, nor the Teams, nor any director, shareholder, officer, agents, employee or other representative of the NFL or the Teams shall be held accountable for or incur any financial responsibility or liability of any kind or nature whatsoever in connection with the fire and medical emergency services planned and/or provided relating to Super Bowl XXXVII and related Official Events.

FILE LOCATION: Subitems A-D: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-349: Mid-Year Budget Adjustment to Add Robinson Avenue/Herbert Street Intersection Improvements.

(Uptown Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1095) ADOPTED AS RESOLUTION R-291574

Amending the Fiscal Year 1999 annual budget by increasing CIP-61-001.0, Annual Allocation - "Traffic Control Measures" for "Miscellaneous Work Requests - Street Division" by \$3,873.27 from Private Donations Fund No. 63022;

Authorizing the expenditure of \$3,873.27 (Fund No. 63022 - Private Donations) from CIP-61-001.0, for Miscellaneous Work Requests - Street Division, specific improvement to the curb, gutter and sidewalk at the Robinson Avenue Intersection with the 3750 block of Herbert Street.

CITY MANAGER SUPPORTING INFORMATION:

The resident at 1529 Robinson Avenue has requested curb, gutter and sidewalk improvements on the south side of Robinson Avenue at Herbert Street. These improvements will alleviate drainage problems on Robinson Avenue and eliminate traffic movements on to this "paper Street" block of Herbert Street. The adjacent residents are willing to fund one-half of the total cost of \$7,746.54 in accordance with the 50/50 provisions of Council Policy 200-03.

Aud. Cert. 9901081.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-350: Fiscal Year 1999 and Fiscal Year 2000 Budget Issues.

(See City Manager Report CMR-99-38 and memorandum from Deputy Mayor Wear dated 3/1/99.)

MAYOR GOLDING'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1198) ADOPTED AS RESOLUTION R-291575

Directing the City Manager to restore \$225,276 of the 3/4 of one percent cut in the Fiscal Year 1999 Fire and Life Safety Services Department programs as part of the Fiscal Year 1999 Year-End Budget Adjustments;

Directing the City Manager to reaffirm the following budget priorities: (a) Public Safety and Health; (b) Neighborhood Pride and Protection; and (c) Economic Development;

Directing the City Manager to include as part of the Fire and Life Safety Services Department Fiscal Year 2000 Budget, \$675,823 for minimum base restoration of the 3/4 of one percent cut, with a priority on funding apparatus/equipment maintenance and repair;

Directing the City Manager to work with the Fire Chief on the overtime issue;

Directing the City Manager to return all profits of the EMS system back to the EMS system enhancements, and restoring the Coastal Infrastructure Fund at a minimum funding level of \$1.5 million per year, from Transient Occupancy Tax for Fiscal Year 2000.

RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S RECOMMENDATION:

On 3/1/99, RULES voted 5-0 to accept the City Manager's report as it relates to the status of the Fiscal Year 1999 Budget, and to provide the following direction to the City Manager for FY99 and FY2000 as follows: A) Reaffirm budget priorities (as stated on page 19 of the City Manager Report) - 1. Public Safety and Health, 2. Neighborhood Pride and Protection, 3. Economic Development; and B) Restore, at a minimum, the 3/4 of one percent cut in FY99 of Fire and Life Safety Services Department programs, \$675,832, as follows: 1) In FY99 provide \$225,276 for final 4 months (balance for FY99), and 2) In FY2000 provide \$675,832 for minimum base

restoration, with a priority on funding apparatus/equipment maintenance and repair; and to direct the City Manager to work with the Fire Chief on the overtime issue. (Councilmembers Mathis, Wear, Warden, Vargas and Mayor Golding voted yea.)

On 3/1/99 RULES voted 4-1 to return all profits of EMS system (City's share was \$727,587) back to EMS system enhancement (PS&NS to review EMS system in 60-90 days), and to restore the Coastal Infrastructure Fund at a minimum funding level of \$1.5 million/year, from TOT, for FY2000. (Councilmembers Mathis, Wear, Warden and Vargas voted yea. Mayor Golding voted nay.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea (Nay on Section 5 only), Vargas-yea, Mayor Golding-yea (nay on Section 5 only).

ITEM-351: Schedule of Compensation for Officers and Employees of the City of San Diego for Fiscal Year 1999-2000.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance.

(O-99-118) INTRODUCED, TO BE ADOPTED MAY 17, 1999

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1999-2000.

FILE LOCATION: NONE

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO INTRODUCE. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-352: Three actions related to Northwest Otay Mesa Maintenance Assessment District.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1207) ADOPTED AS RESOLUTION R-291576

Initiating proceedings for the formation of the Northwest Otay Mesa Maintenance Assessment District.

Subitem-B: (R-99-1208) ADOPTED AS RESOLUTION R-291577

Approving the City Engineer's Report.

Subitem-C: (R-99-1209) ADOPTED AS RESOLUTION R-291578,
HEARING TO BE HELD ON JUNE 22, 1999,
10:00 A.M.

Resolution of Intention to levy and collect Fiscal Year 2000 assessments.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments for the Northwest Otay Mesa Maintenance Assessment District (District). The District is located between the City of Chula Vista and just south of the 905 Freeway, east of Interstate 805 and west of Brown Field. The District is being established to provide maintenance of landscaped and paved medians, open spaces, hardscape features (sidewalks, curbs, gutters, etc) and landscaped parkways within the district boundaries.

The Fiscal Year 2000 proposed District budget is summarized as follows:

	FUND		
<u>DESCRIPTION</u>	<u>OPERATIONS</u>	<u>RESERVE</u>	<u>TOTAL</u>
BEGINNING BALANCE	\$0.00 \$	0.00 \$	0.00
	REVENUE:		
Assessments	\$ 44,500.00 \$	0.00	\$ 44,500.00
City Contribution	<u>0.00</u>	0.00	<u>0.00</u>
TOTAL REVENUE	\$ 44,500.00 \$	0.00	\$ 44,500.00

EXPENSE:

Personnel	\$ 0.00	\$ 0.00	\$ 0.00
Contractual	0.00	0.00	0.00
Incidental	44,500.00	0.00	44,500.00
Utilities	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL EXPENSE	\$ 44,500.00	\$ 0.00	\$ 44,500.00

ENDING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
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The District uses multiple zones in establishing benefit, based on the type of improvements and the level of services provided to each zone. The proposed assessment for Fiscal Year 2000 is \$5.30 in (zone 1) and \$7.58 in (zone 2) and \$10.05 in (zone 3) per equivalent benefit unit (EBU). The maximum authorized assessment is \$125.08 in (zone 1) and \$139.96 in (zone 2) and \$187.19 in (zone 3) per EBU indexed annually to the San Diego CPI-U. The District contains 7,700.14 equivalent benefit units (EBU's), broken down as follows; (zone 1) 6,594.54 EBU's, (zone 2) 636.60 EBU's and (zone 3) 469.00 EBU's.

FILE LOCATION: Subitems A-C: STRT - M-416-00 (34)

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-353: Three actions related to San Diego Street Light Maintenance Assessment District No.1 Sub-District #85 Annexation.

(Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-99-1213) ADOPTED AS RESOLUTION R-291579

Initiating proceedings for the formation of the San Diego Street Light Maintenance Assessment District No.1 Sub-District #85 Annexation.

Subitem-B: (R-99-1214) ADOPTED AS RESOLUTION R-291580

Approving the City Engineer's report.

Subitem-C: (R-99-1215) ADOPTED AS RESOLUTION R-291581,
HEARING TO BE HELD ON JUNE 22, 1999,
10:00 A.M.

Resolution of Intention to levy and collect Fiscal Year 2000 assessments.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2000 assessments and budget for the San Diego Street Light Maintenance Assessment District No.1 Sub-District #85 (Sub-District) Annexation. The Sub-District is located in Carmel Valley Neighborhood 4 off Black Mountain Road. The Sub-District is being established to provide maintenance and operation of eleven (11) ornamental street lights located within the boundary of the Sub-District. The necessary services include, but not limited to, supplying electrical energy, replacing lamps and glassware, and providing maintenance to lighting fixtures and poles.

The Fiscal Year 2000 proposed maintenance costs for the sub-district are as follows:

<u>DESCRIPTION</u>	<u>FUND</u>		<u>TOTAL</u>
	<u>OPERATIONS</u>	<u>RESERVE</u>	
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
REVENUE:			
Assessments	\$ 1,261.00	\$ 0.00	\$ 1,261.00
City Contribution	<u>665.00</u>	<u>0.00</u>	<u>665.00</u>
TOTAL REVENUE	\$ 1,926.00	\$ 0.00	\$ 1,926.00
Transfer to Reserve	(115.00)	115.00	0.00
EXPENSE:			
Electrical Energy	\$ 1,031.00	\$ 0.00	\$ 1,031.00
Maintenance-operations	665.00	0.00	665.00
Administration & Miscellaneous	<u>115.00</u>		<u>0.00</u>
TOTAL EXPENSE	\$ 1,811.00	\$ 0.00	\$ 1,811.00
ENDING BALANCE	\$ 0.00	\$ 115.00	\$ 115.00

This Sub-District uses a single unit rate per parcel due to the homogeneous nature of the single family residential parcels within the sub-district and the spatial uniformity of the improvements

throughout the sub-district. The proposed assessment for Fiscal Year 2000 is \$ 20.34 per parcel. The maximum authorized assessment is \$ 20.34 per parcel indexed annually to the San Diego CPI-U. The Sub-District contains 62 parcels.

FILE LOCATION: Subitems A-C: STRT - M-417-00 (34)

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S500: Public Service Recognition Week.

MAYOR GOLDING AND COUNCILMEMBER WARDEN'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1237) ADOPTED AS RESOLUTION R-291582

Recognizing and thanking all City of San Diego employees for their outstanding customer service and commitment to excellence;

Declaring that Mayor Golding and the City Council proudly proclaim the week of May 3 through 10, 1999 to be "Public Service Recognition Week" in San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A555-B043.)

MOTION BY STEVENS TO ADOPT ITEMS 312, 314, 315, 316, AND S500. Second by Kehoe. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-S501: Adams Avenue Business Association Services Agreement for Adams Avenue Elementary School Annex.

(Normal Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-99-1243) ADOPTED AS RESOLUTION R-291583

Amending the Fiscal Year 1999 CIP budget by decreasing CIP-39-205.0, Adams Avenue Boulevard Streetscape Improvements, by \$149,500 from CDBG Fund No. 18534;

Authorizing the transfer of appropriation and expenditure of \$149,500 from CIP-39-205.0, CDBG Fund No. 18534, to Fund No. 18534 for the Adams Avenue Business Association Services Agreement for the Adams Avenue Elementary School Annex;

Authorizing the City Manager, or his designee, to execute an agreement with Adams Avenue Business Association to provide professional services in the management of construction of school facilities and streetscape improvements at 4700 block of Hawley Boulevard;

Authorizing the City Manager, or his designee, to expend \$149,500 for these purpose.

CITY MANAGER SUPPORTING INFORMATION:

The City Council allocated \$160,000 in the FY 99 CDBG budget to the Adams Avenue Streetscape Improvement Project -- I-805 to 33rd Street. While supportive of this project, the Adams Avenue Business Association also greatly recognizes the need for additional elementary classroom space and has made provisions for the construction of an annex to the Adams Avenue Elementary School. Construction of the annex is about to begin while the Streetscape project has additional unfunded needs before it can proceed.

The AABA would like to reprogram existing CDBG funds from the Streetscape Project (CIP-39-207.0) into the management of the construction of the annex as they deem the construction of the school a higher priority. A proposed agreement to compensate the AABA and its subcontractors for the construction management is recommended for approval.

Aud. Cert. 9901128.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B045-141.)

CONSENT MOTION BY KEHOE TO ADOPT. Second by Stevens. Passed by the following vote: Mathis-yea, Wear-yea, Kehoe-yea, Stevens-yea, Warden-yea, Stallings-yea, McCarty-yea, Vargas-yea, Mayor Golding-yea.

ITEM-CS-1: (R-99-1277) ADOPTED AS RESOLUTION R-291586

A Resolution adopted by the City Council in Closed Session on Tuesday, May 4, 1999:

Authorizing the City Attorney to execute for and on behalf of the City a First Amendment to the Agreement with HDR Engineering, Inc., for additional professional services as needed as they relate to negotiations and litigation/arbitration support on various water service contracts; that the expenditure of an amount not to exceed \$190,000 from Water Revenue Fund 41500, Account 4222 is hereby authorized for the purpose of executing this First Amendment and related costs.

Aud. Cert. 9901132.

FILE LOCATION: MEET

ITEM-CS-2: (R-99-1178)) ADOPTED AS RESOLUTION R-291587

A Resolution adopted by the City Council in Closed Session on Tuesday, May 4, 1999:

Authorizing the City Manager to award a monetary payment to the Sierra Club, a California non-profit organization, by and through Charles Stevens Crandall, Esq., its attorney, to settle the judgment, all claims, and the appeal of attorneys' fees in the case of U.S.A. v. City of San Diego, et al, U.S. District Court No. 88-1101-B, Ninth Circuit Court of Appeal Nos. 98-56676, 98-56682, and 98-56726; authorizing the Auditor and Comptroller to transfer an amount not to exceed \$482,500 within Fund No. 41509, from MWWD Fiscal Year 1999 Sewer Revenue - Unallocated Reserves Fund, Program Element No. 777210, to Department 777, Organization 445, O.A. 4141, Job Order No. 5003.

Aud. Cert. 9901105

FILE LOCATION: MEET

ITEM-CS-3: (R-99-1238) ADOPTED AS RESOLUTION R-291588

A Resolution adopted by the City Council in Closed Session on Tuesday, May 4, 1999:

Authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, in the Superior Court Case No. 721138, Mark Nelson vs. City of San Diego, et al, resulting from personal injuries to Mark Nelson; authorizing the City Auditor and Comptroller to issue one check in the amount of \$75,000 made payable to Mark Nelson and Fred U. Hammett, Jr., his Attorney of Record, in full settlement of all claims.

Aud. Cert. 9901133

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Golding at 11:55 a.m. in honor of the memory of Monica Teyssier, as requested by Council Member McCarty.

FILE LOCATION:

AGENDA

COUNCIL ACTION:

(Tape location: C148-161.)